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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/779,834	02/17/2004	Larry L. Austbo	HES 99.0173U1D1	9133
29920	7590	09/23/2004	EXAMINER	
JOHN W. WUSTENBERG P.O. BOX 1431 DUNCAN, OK 73536			STEPHENSON, DANIEL P	
			ART UNIT	PAPER NUMBER
			3672	

DATE MAILED: 09/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/779,834

Applicant(s)

AUSTBO ET AL. 

Examiner

Daniel P Stephenson

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6, 8 and 10-12 is/are rejected.
- 7) ☐ Claim(s) 4, 5, 7, 9, 13 and 14 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/17/04</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 6, 8 and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Avakov et al. '634 in view of Trout et al. Avakov et al. '634 discloses a coiled tubing injector with a base (32) and a pair of opposed gripper chain systems mounted to and extending upwardly from the base. Where each gripper chain system is located on a carriage attached to the base and includes a gripper chain for engaging coil tubing. A stuffing box/lubricator (16) is disclosed below the base element. Avakov et al. '634 does not disclose a wetting fluid basin containing a wetting fluid that the coil tubing passes through, as it is being injected or withdrawn from the well. Nor does it disclose that it is below the gripper systems or that it has a means for maintaining a minimum fluid level within the basin. Nor does it disclose that a seal within the stuffing box that engages the coil tubing comprises the lower end of the basin. Trout et al. discloses a stuffing box that can be broadly read as a wetting fluid basin wherein the seal at the lower end (38) can be considered the lower end of the wetting fluid basin. The minimum level is maintained through a port (120) in the gland/box and the maximum level is maintained through another port (124). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the stuffing box of Trout et al. on the apparatus of Avakov et al. '634.

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This would be done so that spillage could be controlled in addition to lubrication the tool being placed into the hole.

3. Claims 1-3, 8, 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Avakov et al. '634 in view of Pizzolato. Avakov et al. '634 discloses a coiled tubing injector with a base (32) and a pair of opposed gripper chain systems mounted to and extending upwardly from the base. Where each gripper chain system is located on a carriage attached to the base and includes a gripper chain for engaging coil tubing. A stuffing box/lubricator (16) is disclosed below the base element. Avakov et al. '634 does not disclose a wetting fluid basin containing a wetting fluid that the coil tubing passes through, as it is being injected or withdrawn from the well. Nor does it disclose that it is below the gripper systems or that it has a means for maintaining a minimum fluid level within the basin. Pizzolato discloses a lubricator in which there is a wetting fluid located against the tool being injected into the wellbore, broadly read as a wetting basin. There is a means (34) for maintaining a minimum fluid level in the basin. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the lubricator of Pizzolato on the apparatus of Avakov et al. '643. This would be done to control spillage out of the well.

Allowable Subject Matter

4. Claims 4, 5, 7, 9, 13 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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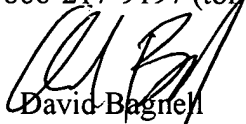
Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Reilly, Norris et al., and the pre-grant publications '662 to Dallas and '300 to Gay et al. all show similar elements to those of the present invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel P Stephenson whose telephone number is (703) 605-4969. The examiner can normally be reached on 8:30 - 5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David J. Bagnell can be reached on (703) 308-2151. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).


David Bagnell
Supervisory Patent Examiner
Art Unit 3672

DPS 